

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of  
PHILIPS STEVEN NEWTON ET AL.

Atty. Docket  
NL 040286

Confirmation No. 3013

Serial No. 10/598,988

Group Art Unit: 2456

Filed: SEPTEMBER 18, 2006

Examiner: MCADAMS, BRAD

Title: APPLICATION CONTROLLED REMOTE STORAGE

Mail Stop Appeal Brief-Patents  
Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF

Sir:

In response to the Examiner's Answers mailed on May 11, 2009,  
please consider the following remarks:

REMARKS

Appellants maintain the arguments submitted in the Appeal Brief filed on March 16, 2009 which is incorporated herein by reference. Further, Appellants refute the allegations made in the Examiner's Answer of May 11, 2009.

For example, page 6 of the Examiner's Answer of May 11, 2009, refers to paragraph [0045] and FIG 16 of Yanosy to allegedly show "processing a request from the application to store auxiliary data associated with the application in the virtual local storage, and, when a storage request is received, having the auxiliary data stored on the remote server via the network," as recited in independent claim 1, and similarly recited in independent claims 4 and 7. (Illustrative emphasis provided)

Processing a request from an application to store data in a local storage, and storing data on a remote server when a storage request is received, is nowhere disclosed or suggested in paragraph [0045] and FIG 16 of Yanosy.

Rather, paragraph [0045] and FIG 16 of Yanosy specifically recites:

Initially, the mobile user attempts to store a

file in the mobile device local memory 102. However, the mobile device 10 lacks sufficient memory for proper storage. At 1501 the mobile device application 103 indicates to the VOS 104, which indicates to the broker 123 a desire to access shared storage resource for the mobile device 10. The broker 123 obtains the CC/PP profile 101. At 1502, the broker 123 obtains the profile of the shared resources 122 from the knowledge base 126 to ascertain service capability. At 1504, the broker 123 requests a sharable resource 122 from the sharable network 12 to bind a new session to the mobile device 10. At 1506, the sharable network 12 commits the service to the broker 123. At 1508, the broker 123 indicates to the mediator 124 success of shared resource and an identification of the shared resource 122 and mobile device 10. The mediator 124 subsequently binds the sharable resource 122 to the mobile device 10 for the duration of the user session. At 1510, the mediator 124 responds to the mobile device application 103 with the storage identification. At 1512, the mobile device application 103 commands a shared storage resource to save the file and transfers the file to storage resource. At 1514, success of file stored is indicated to mobile user via the mobile device application. (Emphasis provided)

That is, in response to a lack of sufficient local memory, a sharable resource 122 from the sharable network 12 is requested for storage on a shared storage resource. Thus, any storage on the shared or remote storage resource is in response to a request to save on the shared or remote storage resource. Such a recitation does not disclose or suggest processing a request from an

application running locally on the user device to store data in a local storage, and storing data on a remote server when a storage request is received.

There is simply no disclosure or suggestion in Yanosy to process "a request from the application to store auxiliary data associated with the application in the virtual local storage, and, when a storage request is received, having the auxiliary data stored on the remote server via the network," as recited in independent claim 1, and similarly recited in independent claims 4 and 7. (Illustrative emphasis provided)

Rather, Yanosy merely discloses to request storage in a shared or remote storage resource in response to save in the vary same shared or remote storage resource, and NOT in response to save in the local storage resource. Johnson is cited to allegedly show other features and do not remedy the deficiencies in Yanosy.

Accordingly, it is respectfully submitted that independent claims 1, 4 and 7 are allowable. In additions, claims 2-3, 5-6 and 8-10 are allowable at least based on their dependence from independent claims 1, 4 and 7.

In addition, Appellants deny any statement, position or

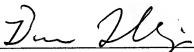
avermment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 1-10 are patentable over Yanosy and Johnson.

Thus, the Examiner's rejections of claims 1-10 should be reversed.

Respectfully submitted,

By   
Dicran Halajian, Reg. 39,703  
Attorney for Applicant(s)  
July 10, 2009

**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101